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ABSTRACT

This paper was designed to aid organizations seeking to eliminate sex discrimination in the public schools. Major emphasis was placed on the need for studies of sex discrimination. Six areas of investigation should include: 1) one sex schools; 2) one sex or practically one sex courses in co-ed schools; 3) physical education, sports and other extra curricular activities; 4) textbooks, library books, and other curricular aids; 5) promotion of teachers; and 6) counseling. Information concerning avenues for advice, assistance and legal action are presented. The appendix includes related publications and judicial decisions. (MJM)

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NEED FOR STUDIES OF SEX DISCRIMINATION IN PUBLIC SCHOOLS

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CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN
Department of Labor Building, Room 1336
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Citizens' Advisory Council on the Status of Women
Washington, D.C. 20210

CHAIRMAN
Mrs. Jacqueline G. Gutwillig
Arizona

MEMORANDUM -- Need for Studies of Sex Discrimination in Public Schools

The Citizens' Advisory Council on the Status of Women has adopted the following recommendation:

> State and city commissions on the status of women and other groups interested in education should foster the review of local public school systems to determine the degree of sex discrimination, especially with respect to (1) schools restricted to one sex, (2) courses of study in co-educational schools restricted to one sex, (3) the per capita expenditure of funds by sex for physical education courses and physical education extra curricular and other extra curricular activities, (4) textbooks, library books, and other curriculum aids, (5) school activities, such as hall patrols, safety squads, room chores, etc., and (6) promotion of teachers.

This paper is designed to be helpful to organizations undertaking the suggested review. Since we adopted our recommendation Public Law 92-318, the "Education Amendments of 1972" have been enacted, prohibiting with some exceptions discrimination in Federally-assisted education programs, including those in elementary and secondary education. This Act will give organizations seeking elimination of bias in the schools a new means of effecting change.

The Council has also made recommendations and published papers on the Equal Rights Amendment, maternity leave, and alimony and child support.

Sincerely,

Jacqueline G. Gutwillig

JACQUELINE G. GUTWILLIG
Chairman

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Room 1336, Department of Labor Building
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> State and city commissions on the status of women and other groups interested in education should foster the review of local public school systems to determine the degree of sex discrimination, especially with respect to (1) schools restricted to one sex, (2) courses of study in co-educational schools restricted to one sex, (3) the per capita expenditure of funds by sex for physical education courses and physical education extra curricular and other extra curricular activities, (4) textbooks, library books, and other curriculum aids, (5) school activities, such as hall patrols, safety squads, room chores, etc., and (6) promotion of teachers.*

Why are sex discrimination studies needed?

Systematic surveys of public schools in Ann Arbor, Michigan, and New York City by women's organizations document areas of inferiority in the educational opportunities afforded girls at all levels of the public schools surveyed. The Council believes that similar conditions are common in the many public school systems throughout the country.

Teacher and counselor attitudes and practices often discourage girls' aspirations and limit their sense of autonomy and self-image. Analysis of widely used textbooks provides evidence that women and girls are usually represented as passive followers of men and boys and occupational roles for women and girls are usually limited to that of the homemaker or to sex stereotyped occupations as secretary, teacher, sales clerk or nurse. More than half of the women and girls in public vocational programs are being trained in home economics and one-third are studying office practices, while vocational courses leading to the often higher-paying jobs in trades and industry are often closed to girls.

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* The Council is indebted to Dr. Rita Ricardo Campbell, Senior Fellow, Hoover Institution, Stanford University and a member of the Council, for gathering, organizing, and presenting the information that led to this recommendation and paper.

Opportunities for girls to gain recognition through excellence in sports are by no means equal to those for boys, and the development by girls of strong, healthy bodies is not given proper emphasis.

That discrimination is generally prevalent in public school systems is borne out by recommendations of some State commissions on the status of women, reports in the media, personal experiences of Council members, and experiences of other men and women interested in the status of girls and women.

Even some preschool classes and child development centers are reported to separate boys' and girls' toys and to discourage playing by one sex with toys identified with the opposite sex. Books for preschool age children are reported to be among the worst offenders in sex role stereotyping.

Who should make the reviews?

Ideally such surveys should be conducted by State or local boards of education in cooperation with State or City status of women commissions and/or representatives of other interested citizen volunteer groups. Surveys by volunteer groups which have been published are listed in the Appendix.

Maximum community understanding and support will be necessary to secure remedial action. PTA's, teachers organizations, women's and youth organizations, and news media, are particularly important, and their participation in the survey will help mobilize the support needed to effect change. Resistance to change should be expected. The New York City Board of Education did not admit girls to Stuyvesant High School of Science and Mathematics or Brooklyn Technical High School, two of the most prestigious high schools, until the Board was sued in a State Court in 1969. The Board avoided a judicial decision by admitting the plaintiff, but still has many high schools, particularly vocational schools, restricted to one sex. In 1971, 446 girls in a student body of 2,322 were enrolled at Stuyvesant and 180 in a student body of slightly over 5,000 at Brooklyn Technical High School.

What should be investigated?

Below are listed the forms of sex discrimination and examples that have come to the Council's attention. This list is obviously incomplete and should not limit the area of investigation of any study group.

1. One sex schools. Single sex public schools still exist in a number of cities usually with the result of limiting girls'

further educational and vocational opportunities. For example, when New York City chapter of the National Organization for Women (NOW) studied New York City schools in 1971 there were 12 high schools for boys only and 5 for girls.

Ironically girls in New York City required to take cooking in junior high school are not admitted to the Food and Maritime Trades High School, the only school in the city where they could study to be chefs.

Two vocational high schools in Washington, D.C. remain restricted to boys. Two vocational schools earlier restricted to girls have been opened to boys. Baltimore, Philadelphia, Detroit, and New Orleans have been reported to have sex-segregated public schools. All of Boston's schools will be co-educational next year as a result of a new State law prohibiting sex discrimination in elementary and secondary schools.

The Office of Education does not include in the data it gathers about schools any information about limitations of schools or courses to one sex. The Council has recommended that future surveys include student composition by sex and race.

2. One sex or practically one sex courses in co-ed schools. More prevalent than single sex schools are courses limited to one sex--particularly shop, cooking, sewing, physics, and work-study programs. Frequently courses not limited to one sex become practically one sex courses through formal and informal counseling and subtle discouragement. Courses that are one sex or predominantly one sex should be identified and the reasons identified.

3. Physical education, sports, and other extra curricular activities. This is the area where discrimination is most pervasive and most readily apparent. Per capita expenditures on these activities by sex are an objective measure of the discrimination. Principals and teachers sometimes discourage an interest in participation in sports by girls. Facilities as swimming pools, tennis and basketball courts are generally far less available, measured on a per capita basis of interested participants, to girls than boys. In addition, coaches of girls' sports are rarely supplied and if available are often not included in policymaking committees.

Short-changing of girls in physical education and sports deprives them of the opportunity to establish life-time habits of exercise which lead to a high level of continuing good health in adult life.

The opportunity for achievement in sports, scholarships and other recognition for ability in sports and for developing a competitive spirit within a framework of team cooperation should be available to girls. The Ann Arbor, Michigan study discusses denial of opportunity in sports in some detail.

Other examples of this type of discrimination are sex-stereotyping of musical instruments; choice of students for teachers' helpers, hall proctors, and safety patrols; staffing of school newspapers; and participation in chess and debating teams.

4. Textbooks, library books, and other curriculum aids. The discrimination in textbooks and other books has been well documented, and the list of items in the Appendix includes several sources of information as to defects in present texts and efforts to remedy the situation. Both the Ann Arbor and New York City surveys cover this topic and list remedial texts and books.

Included in the report of the survey of New York City Schools is a study of early grade readers, which reports that:

> In the early grade readers the oldest child in a family is always a boy. Boys are associated with making, earning, playing active games, learning, romping with dogs and helping their fathers.
>
> Girls are associated with helping their mothers or brothers, playing with kittens, getting into minor forms of trouble and being helped out by their brothers. Patterns of dependence, passivity and domesticity are apparent. Story lines from Scott Foresman's first three primers go as follows:
>
> > Boys set up carnival act. Boy teaches dog to jump for food. Boy solves problem of keeping mother's floors clean. Boy solves problem of runaway dog. Boy plays ball. Boy uses magnet to solve problem for girl. Boy builds car, girls interfere.
>
> Story lines for girls go:
>
> > Girl is frightened by older brother. Girl is helped by older brother. Girls play with Teddy and kitten.

Girl is helped by older boy. Girls solve their own problem (this is very unusual). Girl mistakes cat on television for her own kitten. Girl goes shopping with mother. Girl helps mother choose books. Girl paints picture of cat.

5. Promotion of teachers. The sex discrimination in filling supervisory and administrative positions in educational institutions not only harms the teachers but also the girl students by reinforcing the occupational stereotypes in textbooks and media. Women constitute 84.7 percent of elementary school teachers but only 19.4 percent of supervisory principals; and 30.2 percent of teaching principals (usually in smaller schools); 45.9 percent of secondary teachers but 35.3 percent of junior high principals, and 3.0 percent of high school principals.*

   A local survey should include tables of sex of elementary, junior high, and secondary teachers, principals, supervisory personnel, and personnel receiving extra pay for after-school coaching sports, drama, etc. Non-professional personnel by pay level should also be included.

6. Counseling. Many counselors and teachers lack information and sensitivity to changing life patterns of women and to widening vocational and higher educational opportunities resulting from changing attitudes and equal opportunity legislation.

   Interviewing of members of the Board of Education, the Superintendent's staff, principals and counselors, and women students, particularly those organized in sports teams and extra curricular groups, may be necessary to reveal prevailing attitudes and informational gaps in a local school system. Special programs to provide greater awareness and knowledge for all school personnel may be indicated.

What remedial action can be taken?

If the school board has been an active and willing participant in the survey and community support is present, remedial action on a voluntary basis should be feasible. Goals for remedying inequities and timetables should be drawn up and agreed to.

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* Data on principals from National Education Association Research Bulletin 49, Oct. 1971, "Professional Women in Public Schools 1970-71;" figures on percent of elementary and secondary teachers who are women are estimates from the NEA Research Division based on another study the same year.

If the school board is unwilling to correct discrimination, there are a number of avenues open for further action. Advice and assistance might be sought from the State board of education. In some States, the State board has considerable authority over local boards.

Title IX of Public Law 92-318, the Education Amendments of 1972, provides that "No person in the United States shall, on the basis of sex; be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...." While this prohibition applies generally to elementary and secondary schools, it does not apply to "admissions" to elementary and secondary schools, except to "institutions of vocational education." There are also general exceptions for religious institutions and military schools.

Each Federal agency empowered to extend Federal financial assistance is responsible for enforcement of this provision. The Department of Health, Education and Welfare would be the primary source of Federal financial assistance for elementary and secondary schools, and information concerning enforcement may be requested from the Secretary of Health, Education and Welfare, Washington, D.C. 20201.

Another possibility that can be explored is enactment of State legislation such as that in Massachusetts and Illinois, which in 1971 enacted laws prohibiting discrimination in public schools because of sex.*

Legal action might be instituted under an equal rights amendment to State constitutions or the 14th amendment to the U.S. Constitution. Illinois, Pennsylvania, and Virginia have ratified State constitutional amendments. The Texas, Washington, New Mexico, and Wisconsin legislatures have passed amendments, but they have not yet been ratified by the voters.

Court cases challenging the validity under the 14th amendment to the U.S. Constitution of sex discrimination in education are listed in the Appendix.

Exchange of Information

The Council would appreciate receiving copies of surveys of school systems with information as to whether copies are available to interested groups. We shall publish addenda to our list of useful publications listing the reports that are available. Dr. Rita Ricardo Campbell, Senior Fellow, Hoover Institution, Stanford University, Stanford, California 94305, will be glad to be of any assistance she can but cannot give legal advise. Her telephone number is: Area Code 415--321/2300, ext. 2074.

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* Mass. Gen. Laws Ann. ch. 76 § 5 (Supp. 1971); Ill. Ann. Stat. ch. 122 § § 34-18 and 10-22.5 (Smith-Hurd Supp. 1971).

Useful Publications

The Citizens' Advisory Council on the Status of Women does not endorse any publications or their contents. We call the following items to your attention as useful and thought-provoking background materials in planning a survey of a public school system.

School Systems

Committee to Eliminate Sexual Discrimination in the Public Schools, Let Them Aspire! A Plea and Proposal for Equality of Opportunity for Males and Females in the Ann Arbor Public Schools, Second Edition, August 1971, available from Marcia Federbush, 1000 Cedar Bend Drive, Ann Arbor, Mich. 48105, $1.75.

National Organization for Women, New York Chapter, Report on Sex Bias in the Public Schools, 1971, available from NOW, 28 East 56th, New York, N.Y. 10022, $2.25.

New York Board of Regents, Equal Opportunity for Women, Position Paper No. 14 of the Regents, May 1972, available from New York State Education Department, Publications Distribution Center, Washington Ave., Albany, N.Y. 12224.

Emma Willard Task Force on Education, Packet on Discrimination in Schools, 1520 West 27th St., Minneapolis, Minn. 55408, $3.50. Not a survey such as New York and Ann Arbor listing; includes bibliography and other materials primarily for teachers.

Stereotyping in Books

Feminist on Children's Media, Little Miss Muffitt Fights Back, P.O. Box 4315, Grand Central Station, New York, N.Y. 10017, 1971. Bibliography of forty-eight pages, recommending non-sexist children's books, 40¢.

Howe, Florence, "Educating Women: No More Sugar and Spice," Saturday Review, October 16, 1971, p. 76, reprints available from KNOW, Inc., P.O. Box 86031, Pittsburgh, Penna. 15221, 20¢. General discussion of stereotyping in texts.

Women on Words and Images, Sex-Role Stereotyping in Elementary School Readers, 25 Cleveland Lane, R.D. # 4, Princeton, N.J. 08540, 1970, $1.50. Condensed report 50¢ same address.

Trecker, Janice Law, "Women In U.S. History Textbooks," Social Education, Vol. 35, No. 3, March 1971. Available from Social Education, 1201 16th St. N.W., Washington, D.C. 20036, $1.50.

Colorado Commission on the Status of Women, Interim Report on Children's Literature, available from Mrs. Blanche Cowperthwaite, Chairman, Colorado Commission on the Status of Women, 1218 Denver Club Building, Denver, Colorado 80202, $5.00.

Counseling

Bem, Sandra and Daryl, Training the Woman to Know Her Place: The Social Antecedents of Women in the World of Work, available from the Bems, Department of Psychology, Stanford University, Stanford, Calif. 94305

Campbell, Rita Ricardo, Women's Life Styles in the '70's, address Stanford Alumni Day, May 22, 1971, single copies free from Council.

Women's Bureau, U.S. Department of Labor, Washington, D.C. 20210. Single copies free:

Why Not Be--

an Engineer? Leaflet 41, 1971, 10¢.
an Optometrist? Leaflet 42, 1968, 10¢.
a Pharmacist? Leaflet 43, 1968, 10¢.
a Medical Technologist? Leaflet 44, 1971, 10¢.
a Mathematician? Leaflet 45, 1968, 10¢.
a Public Relations Worker? Leaflet 46, 1970, 10¢.
a Technical Writer? Leaflet 47, 1971, 10¢.
a Personnel Specialist? Leaflet 48, 1968, 10¢.
an Urban Planner? Leaflet 49, 1970, 10¢.
an Apprentice? Leaflet 52, 1970, 10¢.

Careers for Women in Conservation, Leaflet 50, January 1969, 10¢.
Expanding Opportunities for Girls--Their Special Counseling Needs, 1971.
Skilled Trades for Girls. Reprint from Occupational Outlook Quarterly, December 1967.
Job Horizons for College Women, Bull. 288, 1967, 35¢.
Careers for Women in the Armed Forces.

Items with price listed may be secured in quantity from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Federal Prohibitions on Discrimination in Employment

"Guidelines on Discrimination Because of Sex." Equal Employment Opportunity Commission, Washington, D.C. 20506, free.

"Sex Discrimination Guidelines" and "Affirmative Action Programs," (Order 4), Office of Federal Contract Compliance, Department of Labor, Washington, D.C. 20210, free.

Judicial Decisions

Kirstein et al v. Rector and Visitors of the University of Virginia, 309 F.Supp. 184(U.S. District Court-ED Va.) Copies of brief and complaint available at cost of copying from Philip J. Hirschkop, 110 No. Royal St., P.O. Box 234, Alexandria, Va. 22313. The court held that 14th amendment required admission of women to University of Virginia at Charlottesville.

Williams v. McNair, 28 L.Ed.2d 235; 316 F.Supp. 134 (U.S. District Court-SC) The Supreme Court affirmed without opinion and without hearing the decision of the lower court that South Carolina could limit admission to Winthrop College to women.

Smith et al United States intervenor v. Concordia Parish School Board et al(U.S. District Court-WD La-Monroe Div. Civil Action # 11, 577, opinion Sept. 3, 1970) Copies of opinion available at cost of copying from Women's Rights Law Reporter, 180 University Avenue, Newark, N.J. 07102. The Court ruled that sex segregated schools were impermissible as a part of a plan to racially integrate public schools.

Sanchez et al v. Baron et al (U.S. District Court-EDNY, # 69-C-1615) Copies of complaint and briefs available at cost of copying from Law Center for Constitutional Rights, 588 Ninth Ave., New York, N.Y. 10036. This case challenges the constitutionality of N.Y.C. Board of Education policies excluding women from shop classes and the unequal physical education programs and facilities.

Brenden v. Independent School District 742; 40 Law Week 2789(U.S. District Court-Minn.) Minnesota State High School League's rule prohibiting girls from participating in boys' athletic program, as applied to two girls who admittedly are able to compete on par with boys and are provided no alternative competitive opportunity, violates Equal Protection Clause of Fourteenth Amendment.

Bray v. Lee 40 Law Week 2574(U.S. District Court-Mass.) Use of separate and different standards to evaluate examination results in determining admissibility of boys and girls to Boston Latin School constitutes violation of Equal Protection Clause of Fourteenth Amendment.

Ordway v. Hargraves 39 Law Week 2551(U.S. District Court-Mass.) Absent showing of valid educational or health reason, Massachusetts local school board cannot ban attendance from normal class schedule of pregnant, unmarried high school student.

Shull v. Columbus Municipal Separate School District, 338 F.Supp. 1376 (U.S. District Court ND Miss-E.D.) Students may not be excluded from the schools of a school district for the sole reason they are unwed mothers (violation of 14th amendment).

Danielson v. Board of Higher Education, 71 Civ. 2985 SDNY, 1972. Opinion denying motion to dismiss. Pleadings available from Nancy Stearns, Center for Constitutional Rights, 588 9th Avenue, New York, N.Y. 10036. Male professor in CCNY, who had been denied child rearing leave, charges that practice of allowing child rearing leave only to mothers violates 14th amendment.

Davis v. Meek 40 Law Week 2800(U.S. District Court-ND Ohio) Preliminary injunction granted to married student who was denied participation in extra curricular activities on grounds that rule was invasion of privacy. While this is not a sex discrimination case, some of the language in the opinion might be useful in sex discrimination cases involving sports.

Just a word about the Council and its role in the event you are not familiar with its work. In November 1963 President Kennedy established by executive order an Interdepartmental Committee on the Status of Women whose members are Cabinet officers and heads of concerned agencies, and a Citizens' Advisory Council on the Status of Women, composed of private citizens. Each Council member and the Chairman are appointed by the President and serve without compensation for an indeterminate period.

The Council's purpose is to advise the Interdepartmental Committee and the President of the United States on the status of women, and to provide leadership, to arouse public awareness and understanding, and to stimulate action by private institutions, organizations, and individuals working for improvement of conditions of special concern to women.